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EXAMINER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RYO OZAWA

Appeal 2010-005106
Application 09/726,558
Technology Center 2400

Before ALLEN R. MacDONALD, BRUCE R. WINSOR, and
RAMA G. ELLURU, *Administrative Patent Judges*.

ELLURU, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF CASE

Introduction

Appellant appeals under 35 U.S.C. § 134(a) from a final rejection of claims 1-4, 6-10, 12, and 16. Claims 5, 11, and 13-15 have been cancelled. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Appellant's Invention

Appellant's inventions "relates to an electronic endoscope system."
(Spec., page 1, line 5).

Exemplary Claim

1. An electronic endoscope system including a scope having a solid state image sensor provided at a distal end thereof to generate image-pixel signals, an image-signal processing unit that produces a video signal based on the image-pixel signals, and a monitor for reproducing and displaying an endoscope-image in accordance with the video signal output from said image-signal processing unit, said system comprising:

a scene-changing system that changes a scene displayed on said monitor between an endoscope-image-display scene and a patient-data-list-display scene comprising character code data;

a storage system that stores patient data, said patient data comprising a patient data list which is displayed on said monitor when the scene on said monitor is changed from said endoscope-image-display scene to said patient-data-list-display scene by said scene-changing system;

a selection system that selects individual patient data from said patient data list displayed on said monitor;

a display-control system that displays said selected individual patient data together with the endoscope-image on said monitor when the scene on said monitor is changed from said patient-data-list-display scene to said endoscope-image-display scene by said scene-changing system; and

a timing controller that provides clock pulses to the image-signal processing unit, the timing controller outputting a first series of clock pulses having a first frequency when the endoscope-image-display scene is displayed on said monitor, and outputting a second series of clock pulses having a second frequency when the patient-data-list-display scene is displayed on said monitor, the second frequency being higher than the first frequency in order to enable the image-signal processing unit to process a larger number of image-pixel signals when the patient-data-list-display scene is displayed on said monitor,

wherein said selection system includes:

an indicator system that visually indicates patient data to be selected from said patient data list;

a manual operation system that controls the indication of the patient data to be selected from said patient data list; and

a manual settlement system that manually settles the indication of the patient data to be selected from said patient data list.

Prior Art Relied Upon

Tsuji	US 5,258,834	Nov. 2, 1993
Kanno	US 5,583,566	Dec. 10, 1996
Nishikori	US 5,627,584	May 6, 1997

Rejections on Appeal¹

Claims 1-4, 6-10, 12, and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kanno in view of Nishikori and Tsuji. (Ans. 3-6).

¹ Separate patentability is not argued for dependent claims 2-4, 6, 8-10, and 12. Except for our ultimate decision, these claims are not discussed further herein.

Appellant's Contentions

Appellant contends that:

1. the applied prior art fails to disclose or suggest “a scene-changing system that changes a scene displayed on said monitor between an endoscope-image-display scene and a patient-data-list-display scene,” as recited in claim 1 (App. Br. 12-14); and
2. the applied prior art fails to disclose or suggest “a timing controller that provides clock pulses to the image-signal processing unit, the timing controller outputting a first series of clock pulses having a first frequency when the endoscope-image-display scene is displayed on said monitor, and outputting a second series of clock pulses having a second frequency when the patient-data-list-display scene is displayed on said monitor, the second frequency being higher than the first frequency in order to enable the image-signal processing unit to process a higher number of image-pixel signals when the patient-data-list-display scene is displayed on said monitor,” as recited in claim 1. (App Br. 14-16).

Issue on Appeal

Did the Examiner err in rejecting independent claims 1, 7, and 16 as being obvious by finding that the combination of Kanno, Nishikori, and Tsuji teaches or suggests the disputed claim limitations?

ANALYSIS

We have reviewed the Examiner's rejections in light of Appellant's arguments that the Examiner has erred. We disagree with Appellant's conclusions. We adopt as our own (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken and (2) the reasons set forth by the Examiner in the Examiner's Answer in response to Appellant's Appeal Brief. We concur with the conclusions reached by the Examiner.

With respect to Appellant's first contention, even accepting Appellant's argument that Nishikori does not disclose a single monitor which displays both an endoscope-image-display and a patient-data-display scene (Reply Br. 4), the combination of Kanno and Nishikori teaches or suggests the disputed limitation. Specifically, Kanno illustrates a scene changing system displayed on a monitor, wherein either the "Endoscope Inspection" (i.e., the recited "endoscope-image-display scene") or the "Patient Data Management" (i.e., the recited "patient-data-list-display scene") is displayed. (Ans. 7 (citing Kanno Figs. 2, 8A-8C, 30A-30C, and 32)). The Examiner also relies on the illustrations of a monitor displaying an endoscope inspection screen in Kanno (Figs. 2 and 8A-8C) and of a monitor displaying patient data in Nishikori (Figs. 15D and 15F). That Nishikori does not illustrate the same monitor with both displays is of no matter, especially given that Kanno teaches or suggests the possibility of displaying both options on the same monitor. (*See* Kanno Fig. 32).

With respect to Appellant's second contention, we agree with the Examiner that Tsuji teaches or suggests using a second series of clock pulses having a second frequency higher than the first frequency in order to enable

the image signal processing unit to process a higher number of image pixel signals when the output image includes an “index information display portion 56.” (See Tsuji 8:5-35; Figs. 6). Even assuming Tsuji’s “index information display portion 56” does not correlate to the recited “patient-data-list-display scene,” Tsuji’s teaching can be applied in combination with Kanno to teach or suggest the disputed claim limitation, i.e., using a second higher frequency to process a higher number of image pixel signals when “patient-data-list-display scene” is displayed. (See Ans. 8). Appellant’s argument that the Tsuji clocks are provided to control the rate at which data is read from the CCDs, and thus, do not control the rate of data display on the monitor is not persuasive. (Reply Br. 4-5). We give the recited claim element, “in order to ... *process* a large number of image-pixel signals when the patient-data-list-display scene is displayed on said monitor” (emphasis added) the broadest reasonable interpretation. See *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004). Under this interpretation of the claim element, the distinction Appellant attempts to draw is irrelevant. Lastly, it is irrelevant that Tsuji’s clocks are used in two different endoscopes because the teaching related to using a higher second frequency can be applied to the same endoscope.

Appellant repeats the same arguments with respect to independent claims 7 and 16. (App. Br. 16-19). For the same reasons discussed above with respect to claim 1, we agree with the Examiner’s conclusion that the combination of Kanno, Nishikori, and Tsuji teaches or suggests all the disputed limitations of claims 7 and 16.

CONCLUSIONS

(1) The Examiner has not erred in rejecting claims 1, 7, and 16 as being unpatentable under 35 U.S.C. § 103(a) for the reasons discussed above, and claims 2-4, 6, 8-10, and 12, which were not separately argued, are unpatentable for the same reasons.

(2) Claims 1-4, 6-10, 12, and 16 are not patentable.

DECISION

We affirm the Examiner's decision to reject claims 1-4, 6-10, 12, and 16.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

ELD